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FILED

SEP 12 2014

N.J. BOARD OF NURSING

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MAY 16 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE CERTIFICATE OF

Guerna Jean-Charles, C.H.H.A.
Certificate No.: 26NH12547500

TO PRACTICE AS A CERTIFIED
HOMEMAKER-HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

Finalized by Default on: 09/12/14

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Guerna Jean-Charles, ("Respondent") is the holder of Homemaker-Home Health Aid Certificate 26NH12547500 in the State of New Jersey. (See L2k printout annexed hereto as Exhibit A).

2. On November 20, 2013, Respondent was arrested by the Plainsboro Police Department in violation of N.J.S.A. 2C:18-2

(Burglary) and N.J.S.A. 2C:20-3 (Theft). (See Flagging Notice, *Exhibit B*).

3. Upon receipt of the flagging notice, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Trenton, New Jersey, via regular and certified mail, on or about November 22, 2013. The regular mail was not returned and the certified mail was returned to the Board as "unclaimed". (See Inquiry Letter and Certified Letter with USPS stamp, *Exhibit C*).

4. Respondent did not respond to the Board's November 22, 2013, request for information.

CONCLUSIONS OF LAW

Respondent's failures to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

ACCORDINGLY, IT IS on this 16th day of May, 2014,

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is provisionally suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with

the information requested in the Board's letter of inquiry dated November 22, 2013.

2. A civil penalty in the amount of \$200.00 is hereby provisionally imposed upon Respondent for failing to cooperate with a Board investigation. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall provisionally refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

4. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of

fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

7. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APN
Patricia Murphy, PhD, APN
President